

REMARKS/ARGUMENTS

This Amendment is filed in response to the Office Action mailed October 16, 2003, in which the Examiner has withdrawn claims 1-47 for allegedly being "wholly unclear." Applicants respectfully note, however, that 48 claims are pending in the present application. Claim 48 was added by preliminary amendment filed with the present application. Nonetheless, to expedite prosecution applicants have canceled claims 1-48 without prejudice and added new claims 49-56. The new claims find support throughout the specification. In particular, claims 49 and 50 are supported, for example, by original claims 41-47 and paragraphs [25], [26], and [223]. Claims 51-52 are supported at paragraph [233]. Claims 53 and 54 are supported at [202] and [203]. Claims 55 and 56 are supported at paragraph [231]. No new matter is added.

In the Office Action, the Examiner also requested a revised Sequence Listing. A response is filed with this amendment.

On page 3, the Examiner requests clarification of the priority claim in the present application. As explained in the preliminary amendment filed with the present application, the application is identical to USSN 07/265,829, filed October 31, 1988, which is a priority application for the pending parent application (USSN 08/472,760). The '829 application is incorporated by reference in the first paragraph of the pending parent application. Thus, the entire disclosure of the present application is found in the parent application. As such, there is no additional disclosure in the present application, it is not a CIP of the parent application.

The specification has been amended as required in the Office Action. No new matter has been added.

With regard to the Statement of Inventorship, as explained in the Overview to the Statement of Inventorship of Dr. Theodore Friedmann and Dr. Jiing-Kuan Yee, Drs. Friedmann and Yee assert that they are co-inventors of certain subject matter disclosed and claimed in the above-captioned patent application. The current Applicants dispute this. In order to resolve this inventorship dispute in a fair and impartial manner, the assignee of the above-captioned application, The Regents of the University of California, agreed to allow Dr. Friedmann and Dr. Yee to submit the Statement of Inventorship in conjunction with the above-captioned

Appl. No. 10/028,726
Amdt. dated November 17, 2003
Reply to Office Action of October 16, 2003

PATENT

application, and to request and permit an impartial party, the U.S. Patent and Trademark Office, to take action on the inventorship issue. Since this is the primary reason for filing of the present application, review of the evidence of inventorship by the Examiner is respectfully requested.

CONCLUSION

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,

Kevin Bastian
Reg. No. 34,774

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
KLB:klb
60084284 v1